

Apple. No. 10/699,469
Docket No. 9081M
Admit. Dated December 6, 2006
Reply to Office Action mailed on September 27, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-2, 4-20, 23-39 and 41-54 are pending in the present application.

I. Rejection Under 35 USC §112, First Paragraph

The Office Action states that Claims 7, 13, 18, 26, 32, and 37 are rejected under 35 USC §112, first paragraph, as fails to comply with the written description requirement.

The Applicants respectfully traverse the rejection.

The Office Action states that Claims 7 and 26, which recite "substantially free of surfactant," are not supported by the Applicant's disclosure. The Applicants respectfully submit that the terminology "substantially free of surfactant" is found in original claim 5 filed in the U.S. provisional application 60/423,537 filed November 4, 2002. Moreover, "substantially free of" is defined on page 4, line 18-20 in the U.S. provisional application 60/423,537 filed November 4, 2002. The present application claims benefit to U.S. provisional application 60/423,537 filed November 4, 2002. Therefore, the Applicants believe that there is sufficient disclosure for Claims 7 and 26 of the present invention to satisfy the written description requirement.

The Office Action states that Claims 13 and 32, which recite the range "3 to 60%" by weight of the cleansing phase, are not supported by the Applicant's disclosure. The Applicants respectfully submit that the range "3 to 60%" is found in original claim 12 filed in the U.S. provisional application 60/423,537 filed November 4, 2002. The present application claims benefit to U.S. provisional application 60/423,537 filed November 4, 2002. Therefore, the Applicants believe that there is sufficient disclosure for Claims 13 and 32 of the present invention to satisfy the written description requirement.

The Office Action states that Claims 18 and 37, which recite the component "cationic polymer," are not supported by the Applicant's disclosure. The Applicants respectfully submit that the component "cationic deposition polymer" is found in original claim 15 filed in the U.S. provisional application 60/423,537 filed November 4, 2002. The present application claims benefit to U.S. provisional application 60/423,537 filed November 4,

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2002. Therefore, the Applicants believe that there is sufficient disclosure for Claims 18 and 37 of the present invention to satisfy the written description requirement.

II. Rejection under 35 USC §102(e)/ §103(a) Over Focht, et al. U.S. 2004/0092415 (hereinafter referred to Focht).

Claims 1-2, 4-20, 23-39 and 41-54 are rejected under 35 U.S.C. §102(e) as anticipated by, or, in the alternative, under 35 U.S.C. §103(a) over Focht. The Applicants respectfully traverse the rejection. The Applicants would point out that the publication number of the reference cited in the Office Action corresponds to the present application serial number 10/699,469. Therefore, the publication cited would not be a valid reference. Thus, the rejection is rendered moot.

III. Double Patenting

Claims 1-2, 4-20, 23-39 and 41-54 have been provisionally rejected for obviousness-type double patenting over the claims of the commonly assigned, copending application U.S. Serial No. 10/836,984 respectively. An appropriate terminal disclaimer is submitted herewith this response. Therefore, the rejection is obviated.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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